

CITY OF MUSKEGON  
**PLANNING COMMISSION**  
REGULAR MEETING  
MINUTES

**April 12, 2018**

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright,  
E. Hood, S. Gawron, J. Montgomery-Keast

MEMBERS ABSENT: B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: M. Krivitzky, 1052 W Randall Rd for the Milwaukee Clipper; R. Hilt, 1627 Jefferson St; J. Kamp for Pigeon Hill, 500 W Western Ave; M. McKee for the Mart Dock, 560 Mart St; L. Spataro, 1567 6<sup>th</sup> St.; D. Kamps, 1885 Buys Rd.; B. Turnquist, 1579 E Harbour Towne Circle; L. Swenson, 1184 7<sup>th</sup> St.

**APPROVAL OF MINUTES**

A motion to approve the Minutes of the regular Planning Commission meeting of March 15, 2018 was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

**PUBLIC HEARINGS**

Hearing, Case 2018-10: Request for a Special Land Use Permit to allow tours and special events to be held on the Milwaukee Clipper docked at 2098 Lakeshore Dr, by S.S. Milwaukee Clipper Preservation, Inc. M. Franzak presented the staff report. The property is zoned WM, Waterfront Marine. The major use on this parcel is shipping/receiving out of the port on site; however, this use is considered legally non-conforming (grandfathered). The property is also used as a docking station for the Milwaukee Clipper, a steamship designated as a National Historic Landmark. Tours are available of the ship, but that is the only use currently approved and it is also considered legally non-conforming (grandfathered). Museums are allowed in the Waterfront Marine district as a special land use permitted; however, a special use permit was never obtained and it is unclear how approval was initially granted for this use. The Clipper organization is requesting to move the ship from the northern end of the peninsula to the eastern side of it. They are also requesting to be allowed to hold special events on the ship; therefore, a special use permit must now be obtained for these new requests. They plan to add parking for up to 119 vehicles but they do not intend to pave the spaces. The property owner cannot have pavement on the site because it would be destroyed by the shipping operations. Staff does not recommend paved parking as usually required because of the shipping operations and the limited durations that the spaces will be utilized. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had not received any comments. Staff recommends approval of the Special Use Permit to

allow tours and special events on the Clipper and for the proposed parking lot because it will bring a portion of the property back into legally conforming status.

B. Mazade arrived at 4:07 PM.

J. Doyle asked if the Fire Department had approved events being held on the Clipper. M. Franzak stated that they had, as long as a fire hydrant was added. J. Doyle asked about internal fire suppression. M. Franzak stated that they would work on getting that approved by the Fire Department once the Planning Commission approved the Special Land Use Permit. J. Montgomery-Keast asked about silt issues where the boat currently sat, and M. Hovey-Wright asked if the boat was able to be moved, considering it had sat for some time.

M. Krivitzky stated that he was a volunteer with the Milwaukee Clipper. The ship was sitting in about 20 feet of water so there were no silt issues and the ship was able to be moved. J. Doyle asked if there was a plan for handicap accessibility. M. Krivitzky stated that they would work that out with the building inspection department. The ship was a national historic landmark so they could not make a lot of changes without losing that designation. M. Hovey-Wright asked what types of events would be allowed. M. Krivitzky stated that they planned to make the ship available for events such as wedding receptions, meetings, and lectures, since there was an auditorium on board. J. Doyle asked if there would be improvements made to the parking area and who would construct an access road. M. Krivitzky stated that they planned to fence in the parking lot and install security lighting, and the access road would be installed by the property owner. R. Hilt had been involved with the Clipper preservation for many years and spoke in favor of the request. The proposed location had a dock and parking which were needed. He stated that the ship drew a lot of out-of-town visitors and was a positive addition to Muskegon.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by E. Hood and unanimously approved.

A motion that the request by S.S. Milwaukee Clipper Preservation, Inc. for a Special Land Use Permit to allow tours and special events to be held on the Milwaukee Clipper docked at 2098 Lakeshore Drive be approved, and to install a non-paved parking lot as proposed with the condition that a fire hydrant be installed, was made by F. Peterson, supported by E. Hood and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, E. Hood, S. Gawron, and J. Montgomery-Keast voting aye.

Hearing, Case 2018-11: Request for departures from the Form Based Code for the proposed building at 895 4th St, by Pigeon Hill Brewing Company, LLC. M. Franzak presented the staff report. The property is zoned FBC, Downtown Context Area. Pigeon Hill Brewing Company is proposing a mixed-use building type, which is the only building type allowed in this context area. The building will be used as a brewing production facility and offices for Pigeon Hill Brewing Company, LLC. The building has been designed with a retail-type entrance that could potentially be converted to other uses in the future. As proposed, the plan does not fully meet all of the requirements of the Form Based Code so several departures are required in order to receive approval. The following is a list of requirements that have not been met (and require departures), listed in order of significance according to staff: 1) There are no pilasters or similar wall surfaces on the front of the building (4<sup>th</sup> St side). Staff feels that there should be some sort of architectural feature to break up the heavy usage of corrugated metal; 2) Parking spaces are shown near the front of the property facing 4<sup>th</sup> St. Parking spots are required to be set back at least 40 feet from

the front property line. This would be a good area to add additional green space, as there are limited storm water retention options available on site. Also, when all phases of the project are eventually completed, there will be too many parking spaces provided, as defined by the parking maximum chart. This would be a good way to limit excessive parking/pavement and to address the parking lot screening requirement, which could be achieved with landscaping; 3) Entry doors are required to be recessed at least three feet. However, with the unique placement of the building and the terrace frontage option, staff does not feel that the recessed doors are necessary. An attractive building entrance has been created without recessed doors. Recessed doors are more common where there is a defined street wall with multiple buildings; 4) The building is required to be built zero lot line along the front lot line (4<sup>th</sup> St). The proposed building is at zero lot line in the southeast corner, but is placed at an angle and is over 15 feet off of the lot line as it goes north. Staff is not concerned with this placement because there is no street wall we are trying to maintain and it creates a unique entrance into the building; 5) The building width does not cover at least 90% of the parcel. Staff does not object to this departure because this property is the last parcel designated in the Form Based Code, so there is no need to continue a street wall; and 6) A statement must be made that all glass will have a visual light transmittance rating of at least 70%.

Other details of the project were discussed. There is an existing curb along the bike path. The site plan should note whether this curb can remain or will need to be removed. Truck traffic will enter off of Mart St (listed as a private drive on the plan, but it is actually public) and exit onto 4<sup>th</sup> St. The project will consist of two phases. Phase I will include this proposed building and Phase II include a building addition that will extend to Mart St. The plan is currently being reviewed for stormwater compliance by the Drain Commissioners office. Staff had been continuing to work with the applicant on the design, and an updated site plan is expected. Staff recommends approval of the site plan as long as the issues regarding the pilaster/wall surface and parking within 40 feet of frontage are addressed.

M. Franzak explained to the board the discussions he had had with the owners to date, and the updated drawings were provided. M. Franzak stated that the purpose of the Form Based Code (FBC) was to continue the street wall but because this is the last property in the FBC district, that wasn't necessary. There would also be minimal traffic flow on 4<sup>th</sup> St, as the street ended just past this parcel. M. Franzak distributed a list of departures from the FBC that were needed, and explained why they were needed. These departures are listed in the motion.

J. Kamp of Pigeon Hill answered board members' questions about the proposed development. J. Montgomery-Keast asked about odors created by the brewing process. J. Kamp stated that he didn't expect that to be a problem, as they hadn't received complaints from their current location and they would be using the same equipment. M. McKee of the Mart Dock property stated that he was in favor of the development but also had concerns about odors. T. Michalski stated that he had not noticed odor issues at other breweries, including Pigeon Hill's current downtown brewing location. Additionally, the current brewing location was in an area with other businesses in close proximity, with no complaints being made.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

A motion that the site plan for a new building at 895 4<sup>th</sup> St be approved as discussed, with the following departures: 1) 4.0A – Zero lot line required; 2) 5.0A – Parking to be set back 40 feet

from front property line, 3) 6.05A – Zero lot line required; 4) 6.06A – Storefronts shall extend across 80% of the overall length of the first story; 5) 6.06D – Entry door to be recessed 3 feet; 6) 6.06H – Storefront frontage shall have 60% TO 80% of façade be windows between top of the storefront base and bottom of sign band; and 7) parking lot shall be screened, was made by J. Doyle, supported by M. Hovey-Wright and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, M. Hovey-Wright, E. Hood, S. Gawron, and J. Montgomery-Keast voting aye.

Hearing, Case 2018-12: Request to amend Section 2005.10 of the Form Based Code (FBC) to allow Foster Group Homes as a Special Land Use permitted in certain building types and to allow home-based businesses as a principal use permitted in certain building types. M. Franzak presented the staff report. A copy of Section 2005.10 (Urban Residential Context Area) of the Form Based Code was provided to the board for review, with the proposed changes highlighted. This document was attached to the end of the Minutes. This section described the allowed uses in certain building types within the Urban Residential Context Area. Staff is recommending to allow Foster Group Homes as a Special Use Permitted on Sanford St and Peck St only, in the following building types: Live/Work, Duplex and Detached House.

The Step Up organization had requested a type of foster group home on Sanford St at the February 2018 meeting. That request required a rezoning, which was denied because it was in a single-family residential area. However, there are portions of Peck St and Sanford St that are more conducive to these type of uses; particularly the areas zoned RM-1, Low Density Multi-Family Residential District (which allows this type of use under a SUP) and the small area that is zoned UR, Urban Residential. These zones already allow multi-family uses. However, Step Up and similar organizations do not fit the definition of multi-family because the tenants are not related. Staff has also noticed that home businesses were never approved as a principal use in Urban Residential Districts. Home business should be allowed in these districts as long as they follow the rules of Section 401 (Home Based Businesses) of the zoning ordinance. Staff recommends approval of the proposed amendments.

M. Hovey-Wright asked for clarification on the “multi-family” definition, which M. Franzak explained. L. Spataro, president of the Nelson Neighborhood Improvement Association, spoke in favor of the request. He stated that the request was reasonable, since there were a variety of uses in this area. However, he was concerned about the terminology. He stated that foster care and group homes were regulated by the Federal government and had to be licensed, so he recommended that the proposed language use a different term than “foster care”. M. Franzak asked the board for suggestions, as he did want to limit the types of organizations that were allowed to have these kinds of facilities. L. Spataro stated that the term “room and board” was used in the industry. B. Mazade stated that he would like the wording to specify “non-profit”. S. Gawron suggested the term “non-profit-supported housing”. E. Hood asked why they should limit it to non-profit. M. Franzak stated that staff did not want to enable off-premise landlords to rent out single rooms to unrelated occupants. D. Kamps of Step Up explained what their organization did, which was to provide assistance to young adults, most of whom had aged out of the foster care system. He did not anticipate more than 4 men plus a house manager living there at one time. J. Doyle asked if Step Up was a 501(c)3 organization. D. Kamps stated that it was. B. Mazade asked M. Franzak if Step Up would need to return before the Planning Commission and request a Special Use Permit. M. Franzak affirmed that they would. B. Turnquist spoke in favor of the request and stated that Peck St. was a major thoroughfare to the downtown area with many businesses and

organizations within walking distance. He was familiar with Mr. Kamps and stated that his organization would be an asset to the neighborhood.

M. Hovey-Wright left at 5:00

A motion to close the public hearing was made by B. Mazade, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request to amend Section 2005.10 of the Form Based Code to allow Non-Profit Supported Housing as a Special Land Use permitted in certain building types and to allow home-based businesses as a principal use permitted in certain building types, be recommended to the City Commission for approval was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, E. Hood, S. Gawron, and J. Montgomery-Keast voting aye.

### **NEW BUSINESS**

Shoreline Plan – M. Franzak discussed the Imagine Muskegon Lake (IML) plan process and stated that it had morphed into a shoreline plan. He asked that the board consider voting to make it a part of the city's master plan. Once the Planning Commission approved it, it would go to City Commission for approval.

A motion to adopt the Imagine Muskegon Lake plan as part of the city's Master Plan was made by F. Peterson, supported by J. Montgomery-Keast with discussion continuing on the motion.

L. Swenson stated that she was a member of the NNIA and the Lakeshore Access Committee. She had concerns about lake safety. J. Montgomery-Keast and L. Spataro were able to answer many of her questions. L. Swenson stated that she would like to see water safety addressed in the IML plan. J. Montgomery-Keast stated that there was a water safety task force in conjunction with the Safe Kids initiative.

A vote was taken on the above motion which was unanimously approved, with T. Michalski, F. Peterson, B. Mazade, J. Doyle, E. Hood, S. Gawron, and J. Montgomery-Keast voting aye.

### **OLD BUSINESS**

None

### **OTHER**

None

There being no further business, the meeting was adjourned at 5:18 p.m.

**2005.10 URBAN RESIDENTIAL (UR) CONTEXT AREA****6.0 PERMITTED USES****URBAN RESIDENTIAL (UR) CONTEXT AREA PERMITTED USES**

Specific Use	MIXED USE BUILDING TYPE	RETAIL BUILDING TYPE	FLEX BUILDING TYPE	COTTAGE RETAIL BUILDING TYPE	LIVE / WORK BUILDING TYPE	LARGE MULTI-PLEX BUILDING TYPE	SMALL MULTI-PLEX BUILDING TYPE	ROWHOUSE BUILDING TYPE	DUPLEX BUILDING TYPE	DETACHED HOUSE BUILDING TYPE	CARRIAGE HOUSE BUILDING TYPE	CIVIC BUILDING TYPE
Accessory buildings and uses					P		P	P	P	P	P	
Amusement and recreation facility												
Auto service station												
Bank												
Business school/private or public school/higher ed.												
Church												
Club, lodge, hall												
Foster Group Home					S*		S*		S*	S*		
Gallery/museum					P							P
Home Business					P		P	P	P	P	P	
Hotel/motel												
Indoor theater/live music concert hall												
Light manufacturing												
Machine shop												
Micro brewery, distillery, winery under 2500 barrels												
Micro brewery, distillery, winery over 2500 barrels												
Multi-family							P					
Office					P							
Outdoor recreation												
Outdoor theater												
Parking structure												
Personal service					P							
Railway terminal												
Research and development												
Restaurant, cocktail lounge, brewpub												

P = Permitted Use

P\* = Permitted Use on floors two and above

P# = Permitted Use on first floor only

S = Special Land Use (refer to Section 2002.02)

S\* = Special Land Use on Peck Street and Sanford Street only

Active uses per the Context Area Map (2005.02) include retail, restaurant/cocktail lounge/brewpub, personal service, and micro brewery/distillery/winery.

Blank cell = Use not permitted in this Context Area

Shaded areas represent Building Types that are not permitted in this Context Area.



